

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient comprises an effective amount of ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent on the surface of the at least one ingredient.

## **REMARKS**

### **I. Status of the Claims**

Claims 1-41 are pending in this application. Claims 1, 35, 37, 38, 40, and 41 have been amended in accordance with the Examiner's suggestion provided in the Examiner Interview conducted with Applicants' representatives on October 9, 2002. Support for these amendments can be found, for example, on page 6 of the specification as-filed. No new matter has been introduced by these amendments nor do these amendments necessitate any additional search by the Office. Applicants respectfully submit that the above-detailed amendments place this application in condition for allowance.

### **II. Rejection Under 35 U.S.C. § 103**

Claims 1-41 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Japanese Application No. JP 11 - 021227 to *Takeshi* ("*Takeshi*") and U.S. Patent No. 5,567,420 to *McEleney et al.* ("*McEleney*"). Applicants have amended all of the independent claims, claims 1, 35, 37, 38, 40, and 41, to recite "wherein the at least one

ingredient comprises an effective amount of at least one water-repellent and oil-repellent agent on the surface of the at least one ingredient." The cited reference combination does not teach or suggest this element of Applicants' claims. Accordingly, Applicants respectfully submit that no *prima facie* case of obviousness has been established and, thus, Applicants request withdrawal of this rejection.

III. **Conclusion**

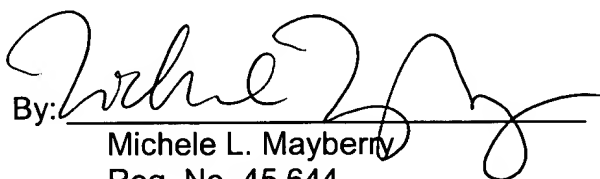
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
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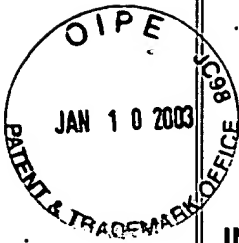
Dated: January 10, 2003

By:   
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Reg. No. 45,644

Attachment: Appendix (Version With Markings To Show Changes Made)

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**APPENDIX**  
**Version With Markings To Show Changes Made**

**IN THE CLAIMS:**

Please amend claims 1, 35, 37, 38, 40, and 41, as follows:

1. (Amended) A gel composition comprising:

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient **comprises an effective amount of** ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent **on the surface of the at least one ingredient.**

35. (Amended) A cosmetic composition comprising a gel composition comprising:

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient **comprises an effective amount of** ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent **on the surface of the at least one ingredient.**

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37. (Amended) An external agent for the skin comprising a gel composition comprising:

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient comprises an effective amount of ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent on the surface of the at least one ingredient.

38. (Amended) A makeup, a sun care, a skin care or a hair care composition comprising a gel composition comprising:

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient comprises an effective amount of ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent on the surface of the at least one ingredient.

40. (Amended) A foundation, a lip product, a blush, an eye-shadow, an eyeliner, a concealer, a mascara, or a nail enamel comprising a gel composition comprising:

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient comprises an effective amount of ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent on the surface of the at least one ingredient.

41. (Amended) A process for stabilizing a gel composition comprising including in said gel composition an effective amount of:

(1) at least one gelling agent comprising at least one polyacrylamide-based polymer, and

(2) at least one ingredient chosen from pigments and fillers, wherein the at least one ingredient comprises an effective amount of ~~has been surface-treated by~~ at least one water-repellent and oil-repellent agent on the surface of the at least one ingredient.

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